

ATTORNEY DOCKET NO.: 051252-5153-01

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202



PRIOR APPLICATION:

Examiner: D. Hwu

Group Art Unit: 3752

## DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

|    | For co  | ontinuation and divisional applications:  |  |
|----|---|---|--|
| 3. | Amen  | dments  |  |
|    | <u>1</u>  | Sheets of drawings containing 1 Figure Other:                                     |  |
|    | <u>11</u>   | Pages of specification including:  O Title Page  Pages of Claims Page of Abstract |  |
| 2. | The pa  | apers enclosed are as follows:  |  |
|    | For:  | APPARATUS AND METHOD FOR SETTING INJECTOR LIFT                                    |  |
|    | Invent  | or: Michael J. DALLMEYER  |  |
| 1. | This application is a Continuation Divisional Continuation-in-Part part application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/878,995 on June 13, 2001 of: |   |  |
|    | This is   | s a request for filing a patent application under 37 C.F.R. § 1.53(b).            |  |

A preliminary amendment is enclosed.

 $\boxtimes$ 

| 4.   | Oath o                                       | Oath or Declaration  |   |                                   |  |
|--|--|--|---|-----------------------------------|--|
|  | For continuation or divisional applications: |  |   |                                   |  |
|  |  | No oath or declaration is enclosed at this time.   |   |                                   |  |
|  |  | A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein. |   |                                   |  |
|  |  | A signed statement deleting inventor(s) named in the prior application is enclosed.  |   |                                   |  |
|  | For continuation-in-part applications:       |  |   |                                   |  |
|  |  | A newly executed (original or copy) oath or declaration is enclosed.   |   |                                   |  |
|  |  | C.F.R. § 1.53(f).  | ation is not enclosed. This applic<br>Applicant(s) await notification for<br>e set for filing the declaration and | from the Patent and Trademark     |  |
| 5.   | Relate                                       | Back - 35 U.S.C.   | § 120   |                                   |  |
|  | $\boxtimes$                                  | Please see the atta  | ached Preliminary Amendment.  |                                   |  |
| 6. Priority - foreign applications under 3 than the U.S. |  | ational applications<br>ae U.S.  | s under 35 U.S.C. § 365(a) design   | nating at least one country other |  |
|  |  | Priority of the following foreign application is claimed:  |   |                                   |  |
|  |  | Country  | Application No.   | <u>Filed</u>                      |  |
|  |  | 1 <b></b>  |   |                                   |  |
|  | Certifi                                      | ed copy:   | is/are attached. will follow. was filed in prior U.S. Applica   | tion No on                        |  |



Assignment

## For continuation or divisional applications:

|        | The prior application is assigned of record to <u>Siemens Autority</u> recorded <u>June 13, 2001</u> , at Reel/Frame <u>011899/0899</u> . | emotive Corporation, |
|--------|---|----------------------|
|        | An assignment of the invention to   | and a sed.           |
| For co | ontinuation-in-part applications:   |                      |
|        | An assignment of the invention to   | and a<br>sed.        |

8. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION   |              |              |                 |  |
|--|--------------|--------------|-----------------|--|
|  | Number Filed | Number Extra | at Rate of      | Basic Fee<br>Utility \$750.00<br>Design \$330.00 |
| Total Claims<br>(37 C.F.R. § 1.16(c))                              | 6            | 0            | \$ 18.00 each = | \$0.00   |
| Independent Claims (37 C.F.R. § 1.16(b))                           | 1            | 0            | \$ 84.00 each = | + \$0.00   |
| Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d)) \$280.00 |              |              | +\$             |  |
| SUB-TOTAL =  |              |              |                 | \$750.00   |
| Reduction by ½ for filing by a small entity                        |              |              |                 | - \$   |
| TOTAL FILING FEE =   |              |              | \$750.00        |  |

# 9. Fee Payment

| Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT                             |
|--|
| ACCOUNT AT THIS TIME. This application is being filed under the                    |
| provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent |
| and Trademark Office of the time set for filing the Declaration and paying the     |
| filing fees.   |

The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$750.00 representing the basic filing fee.

| 10. | Small       | Small Entity Status is <u>not</u> claimed.   |  |  |
|-----|-------------|--|--|--|
|     |             | a statement claiming small entity status is enclosed, or   |  |  |
|     |             | a small entity statement was filed in the prior nonprovisional application and is still proper and desired.  |  |  |
| 11. |             | The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.  |  |  |
|     | $\boxtimes$ | Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer Number: 009629  |  |  |
| 12. |             | Recognize as associate attorney  (name, address, and registration no.)   |  |  |
| 13. |             | PETITION FOR EXTENSION OF TIME. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/878,995, filed June 13, 2001, for the purpose of maintaining copendency between the prior application and the present application and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310. |  |  |
| 14. |             | EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).                             |  |  |

#### 15. Additional papers enclosed:

**Preliminary Amendment** Information Disclosure Statement Form PTO-1449 (without references) Declaration of Biological Deposit Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 22, 2003

By:

Khoi Q. Ta

Registration No. 47,300

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